



November 14, 2005

Arthur Neal
Director, Program Administration
National Organic Program
USDA-AMS-TMO-NOP
1400 Independence Ave., SW. Room 4008
So., Ag Stop 0268
Washington, DC 20250

Email: National.List@usda.gov
Fax: (202) 205-7808

**RE: National Organic Program, Proposed Amendments to the National List
Docket number TMD-04-01**

Dear Mr. Neal and National Organic Standards Board:

The Grocery Manufacturers Association (GMA) appreciates this opportunity to provide comments on the above referenced public notice regarding the National Organic Program, Sunset Review, Docket number TM-04-01.

The Grocery Manufacturers Association (GMA) is the world's largest association of food, beverage and consumer product companies. Led by a board of 42 Chief Executive Officers, GMA applies legal, scientific and political expertise from its more than 140 member companies to vital public policy issues affecting its membership. The association also leads efforts to increase productivity, efficiency and growth in the food, beverage and consumer products industry. With U.S. sales of more than \$500 billion, GMA members employ more than 2.5 million workers in all 50 states.

Please find our comments on the following pages.

GMA supports the addition of the following substances to the National List.

| Name of Substance | Proposed Location on National List | Comments | NOSB approval |
|--------------------------|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Activated Carbon | 205.605(b) | Filtering aid during the processing of organic white grape juice concentrate. Organic white grape juice is used as a sweetener in many products like beverages, candies, etc. | <ul style="list-style-type: none"> • NOSB 9/02 • Voted by NOSB for use in handling agricultural products labeled “organic”. |
| Ammonium Hydroxide | 205.605(b) | Boiler water additive | <ul style="list-style-type: none"> • NOSB 10/01 • Voted by NOSB for use in handling agricultural products labeled “organic”. |
| Cyclohexylamine | 205.605(b) | Boiler water additive for packaging sterilization | <ul style="list-style-type: none"> • NOSB 10/01 • Voted by NOSB for use in products labeled “organic” and “made with organic”. |
| Diethylaminoethanol | 205.605(b) | Boiler water additive for packaging sterilization | <ul style="list-style-type: none"> • NOSB 5/02 • Voted by NOSB for use in products labeled “organic” and “made with organic”. |
| Egg White Lysozyme | 205.605(a) | Used as enzyme in organic processing. Antimicrobial agent in casings for frankfurters and in cooked meat and poultry products sold as ready to eat. | <ul style="list-style-type: none"> • NOSB 5/03 |
| Malic Acid | 205.605(a) | Acidity regulator; Processing aid used in bottled iced tea, dry mix beverages, bakery products, fruit juices, candies, gelatins, desserts, frozen specialties, sports drinks, and other food products. | <ul style="list-style-type: none"> • NOSB 5/03 |

| Name of Substance | Proposed Location on National List | Comments | NOSB approval |
|----------------------------------|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Microorganisms | 205.605(a) | Processing aid in organic handling. Used as a culture starter in food processing. | <ul style="list-style-type: none"> • NOSB 5/03 |
| Octadecylamine | 205.605(b) | Boiler water additive for packaging sterilization | <ul style="list-style-type: none"> • NOSB 10/01 • Voted by NOSB for use in products labeled “organic” and “made with organic”. |
| Peracetic acid/Peroxyacetic acid | 205.605(b) | Used as an antimicrobial water treatment additive and/or as an equipment sanitizer or disinfectant. For use as a sanitizer on food contact surfaces. Used as a sanitizer used in the washing or peeling of fruits and vegetables. | <ul style="list-style-type: none"> • NOSB 11/00 • Voted by NOSB for use in products labeled “organic” and “made with organic”. |
| Sodium Acid Pyrophosphate | 205.605(b) | Leavening agent. | <ul style="list-style-type: none"> • NOSB 5/03 • Voted by NOSB for use in products labeled “organic” and “made with organic”. |
| Tetra sodium pyrophosphate | 205.605(b) | Emulsifier; pH buffer, stabilizer. For use in meat analog products. | <ul style="list-style-type: none"> • NOSB 2004 • Voted by NOSB for use in products labeled “organic” and “made with organic”. |

We would like to note that **activated charcoal, ammonium hydroxide, cyclohexylamine, diethylaminoethanol, octadecylamine, peracetic acid/ peroxyacetic acid, sodium acid pyrophosphate, and tetrasodium pyrophosphate** where all approved by the NOSB for use in products with “organic” and “made with organic” label. In Docket TM-04-01 the Secretary has amended the NOSB recommendation of these substances for use only in “made with organic” products.

We understand that at the time Docket TM-04-01 was published, the Secretary and the National Organic Program recognized and complied with the US District Court for the District of Maine Consent Final Judgement and Order of June 9, 2005. The original recommendations from the NOSB were to allow synthetic substances to be used in products labeled either “organic” or “made with organic”.

We support any clarification to the agency’s approach to synthetic materials that brings it into compliance with amendments to OFPA including any needed steps in the US District Court. To the extent that the amendments restored the use of synthetics in the “organic” label, we as that the final agency action on these materials reflect the new development.

We strongly encourage the Secretary and National Organic Program to be consistent with the recommendations of the National Organic Standards Board and allow substances listed in Docket TM-04-01 under 205.605(b) to be used in products labeled “organic.”

Sincerely,

A handwritten signature in black ink, appearing to read "Monica Gonzalez", is written over a light blue circular stamp.

Monica Gonzalez, M.S.
Director Scientific and Regulatory Policy

Cc: National Organic Standards Board